

Liability: The Oklahoma Experience

- Before Legislation =Patchwork coverage
 - Partner agencies
 - Volunteers are covered when working for specific agencies:
Public Health Department, American Red Cross volunteers
 - National coverage
 - United States Code
Title 42, Chapter 139
Section 14503.- Limitation on liability for volunteers
 - Individual Malpractice Insurance

May, 2004

- House Bill 2661 is introduced which primarily addresses tort reform and involves lengthy negotiations and active lobbying from the medical community
- Dr. John Sacra, the Medical Director of EMSA is instrumental in including language providing liability immunity for Medical Reserve Corps Volunteers

May 28th, 2004

- State legislature passes and the Governor signs the “Volunteer Medical Professional Services Immunity Act”

- Section 34 G. “Any person participating in a Medical Reserve Corps and assisting with emergency management, emergency operations, or hazard mitigation in response to any emergency, man-made disaster, or natural disaster, or participating in public health initiatives endorsed by a city, county, or state health department in the State of Oklahoma, shall not be liable for civil damages on the basis of any act or omission, if:
 - 1. The person was acting in good faith and within the scope of the official duties and functions of the Medical Reserve Corps; and
 - 2. The acts or omissions were not caused from gross, willful, or wanton acts of negligence.”
- This section shall apply to all civil actions filed on or after November 1, 2004.

Advantages

- The Medical Reserve Corps is now the identified entity for medical volunteers with protection from civil liability damages.
- We anticipate this will help our recruiting efforts.

Disadvantage

- Does not provide the full coverage that a state employee would have, such as Workers Compensation
- This protection has not been tested in the courts.